

# TEMPORARY

NO. 73109T

## APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 29 2005

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed JUL 29 2005

\*\*\*\*\*

The applicant M-I L.L.C. hereby makes application for permission to change the Point of Diversion of water heretofore appropriated under Permit No. 64262.

\*\*\*\*\*

1. The source of water is **underground**
2. The amount of water to be changed **0.194 C.F.S.**
3. The water to be used for **mining**
4. The water heretofore permitted for **mining**
5. The water is to be diverted at the following point **NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 26, T28N, R45E, M.D.B.&M. (unsurveyed), or at a point from which the SE corner of Section 36, T28N, R45E, M.D.B.&M. bears S 28° 43' 20" E, a distance of 11063.25'.**
6. The existing point of diversion is located within **NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 25, T28N, R45E, M.D.B.&M. or at a point from which the SE corner of Section 36, T28N, R45E, M.D.B.&M. bears S 27° 01' 14" E, a distance of 11394.0 feet (Well B or Well #3)**
7. Proposed place of use **Section 25; E $\frac{1}{2}$  of Section 26; NE $\frac{1}{4}$  of Section 35; N $\frac{1}{2}$  of Section 36, T28N, R45E, M.D.B.&M., Lots 1, 2, 3, 4 and the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30; Lots 1, 2, and E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 31, T28N, R46E, M.D.B.&M.**
8. Existing place of use **Section 25; E $\frac{1}{2}$  of Section 26; NE $\frac{1}{4}$  of Section 35; N $\frac{1}{2}$  of Section 36, T28N, R45E, M.D.B.&M., Lots 1, 2, 3, 4 and the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30; Lots 1, 2, and E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 31, T28N, R46E, M.D.B.&M.**
9. Use will be from **January 1 to December 31 of each year.**
10. Use was permitted from **January 1 to December 31 of each year.**
11. Description of proposed works **water is developed in the well, thence conveyed by a pipeline to a reservoir within the NE $\frac{1}{4}$  of Section 26, T28N, R45E, M.D.B.&M. where it is used for mining purposes.**
12. Estimated cost of works **\$15,000.00**
13. Estimated time required to construct works **One (1) year - A Well (#4) drilled to 185' depth and cased to 160' with 8-5/8" casing. (The section 160-180' was sealed with a cement plug.)**
14. Estimated time required to complete the application of water to beneficial use **Two (2) years**

73109T

15. Remarks:

By Garry J. Thielen  
s/ Garry J. Thielen  
P.O. Box 370  
Battle Mountain, NV 89820

Compared gkl/ SC 1t/gkl

Protected

\*\*\*\*\*

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 64262 is issued subject to the terms and conditions imposed in said Permit 64262 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 26872, Certificate 8431; Permit 29694, Certificate 9087; Permit 35814, Certificate 10284; Permits 64261, 64262 and 73109-T shall not exceed 350 million gallons annually.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on November 14, 2006 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.194 cubic feet per second, but not to exceed 8.743 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

**TEMPORARY**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,  
State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 15th day of November A.D. 2005

  
State Engineer



